

E 241

, TL S9

1

E 241
.T6 S9
Copy 1

THE CAPTURE

OF THE

BLOCK HOUSE AT TOMS RIVER,

NEW JERSEY,

MARCH 24, 1782.

THE CAPTURE
OF THE
BLOCK HOUSE AT TOMS RIVER.
NEW JERSEY.
MARCH 24, 1782.

READ AT THE MEMORIAL SERVICE AT TOMS RIVER, MAY 30, 1883.

BY
WILLIAM S. STRYKER,
ADJUTANT GENERAL OF NEW JERSEY.

TRENTON, N. J.
NAAR, DAY & NAAR, BOOK AND JOB PRINTERS.
1883.



16
1609

THE BLOCK HOUSE AT TOMS RIVER.

It is always a pleasant task to examine the records of the past and to attempt to rescue from the deluge of time some of the floating relics of the history, the character, the home-life of our forefathers—the manly yeomanry who settled Old Monmouth—and to preserve a narrative of the patriotic deeds of the grandsons of these pioneers as they helped to free this soil from the rule of the British crown. The same physical energy, stout-hearted nerve and bravery which characterized the Hartshornes, Holmes, Brownes, Grovers, Halls and Comptons, was again a century thereafter re-developed in the Formans, Hendricksons, Scudders, Smocks and Andersons of the revolutionary period, and in the Conovers, Estells, Horners, Attersons and Havens of our own time.

It is my privilege to-day to direct your special attention to an event in the history of the struggle for independence which occurred a hundred years ago. This assault and defence, short in its duration, small in the numbers actually engaged, removed from the track of armies, away from the sources of intelligence, in a quiet and an obscure village, was yet the beginning of a bloody tragedy, the prelude to a bold enactment by the Continental Congress, the issue by Washington of an order which must have been full of heart-pain to him, the creation through all the States of a wide-spread sympathy, a feeling which wafted itself over a

stormy ocean and found precatory expression in the Court of St. James, and in the halls of Louis XVI at Versailles.

The last parallel had been run, the last ditch had been dug, the last midnight assault had been made successfully on the ramparts surrounding the little Virginia village where Lord Cornwallis was environed by a gallant and a valorous foe. The starry emblem of a young republic's future glory and the white banner of the fleur-de-lis of France had been planted on the shattered batteries, the surrender of the British force had been signed in the trenches before York, the conquered had been hurried to their winter prisons, and the conquerors had returned to their huts on the heights of Morris' county and the shores of the Hudson. Washington and Rochambeau had joined with DeGrasse, and, reinforcing the youthful Lafayette, they had ended by one great effort the power of Great Britain in Virginia, and had retired into quarters to await through a long, dull winter the effect of this reverse on the plans for the future in the council of King George, and the first dawn of that peace which they began now to discern.

Let us look away from the quiet Quaker City where Washington was spending the winter conferring with Congress and endeavoring to prevent the colonies from relaxing in their preparations for the next campaign; from the metropolis on the great harbor where Sir Henry Clinton, confined with his army within narrow military bounds, in no cheerful mood was waiting to know the pleasure of the British ministry; from the troops in camp elated with their great success on Southern soil; and from the prisoners of war in Pennsylvania and Maryland, striving as best they could, to submit to the privations of their lot.

No section of the country had such zealous loyalists and

none such fervid, stout-hearted patriots as Monmouth county. Every portion of this district was filled with the strongest partisans of their country's freedom, and here and there the devoted friends of the royal cause. Around Monmouth Court House, under the influence which emanated from the pulpit in the Tennent Church, in the town of Shrewsbury and in the village of Middletown Point, were clustered families of men who devoted themselves unreservedly to the liberty of America. But they were often cruelly annoyed by their bitter and vindictive neighbors who did all that bad men could do to injure their countrymen in their property, their happiness and their lives. Forced to arm themselves against an unrelenting foe, the patriots were accustomed to band themselves together to defend each other against the revengeful Tories. The post of one of these companies organized for the defence of the maritime frontier, was the old town of Dover on Toms River, and at this place they had erected a little fort.

It was a rude structure of undressed logs which was the chosen rallying post of this little band of heroes. It had been built on a knoll on property now belonging to Captain Ralph B. Gowdy and Thomas Singleton, and included such portion of Robbins street as fronts the tract of land owned by these gentlemen. It was at that time a very prominent object in this little village. On Jake's Branch, a half mile south of this place, stood the old saw-mill and flour-mill of Paul Schenck and Abram Schenck, now the property owned by John Aumack. On the northeast corner of what is now Water and Main streets was the public inn kept by Abiel Aikens. There were also a few houses, in which lived Captain Ephraim Jenkins, Aaron Buck, Mrs. Sarah Studson, (widow of Lieutenant Joshua Studson, who

was killed December, 1780, while on duty on the coast,) Daniel Randolph, David Imlay, Jacob Fleming, and Major John Cook. The manager of the salt works lived in the town near his store-house. This was about all the village where this fight took place. To a small wharf on the river bank one of Captain Adam Hyler's barges was tied, in which some traffic was made along the coast between this point and the Raritan River at Brunswick, where he resided. We must refer to him again.

The block-house, so rough in appearance, was built of logs seven feet high, set perpendicularly in the ground and pointed at the top. It was nearly square, and every few feet between the logs was an opening large enough to sight and discharge a firelock. On one side of this fence was a small building intended as a sort of barracks, and on the other side a little room half concealed underground, which they called their powder magazine. On each of the four corners of this structure, raised high on a strong, well-braced bed of logs, a small cannon was erected, mounted on a pivot, and this was intended to be the stout protection against an assaulting force. No method of ingress or exit was ever made in this rude fort, and a scaling ladder was a constant necessity. On a cold winter morning this little post was destined to be the theatre of a brief but bloody struggle, and from this sharp action unseen and far-reaching sequences were soon to follow.

The commander of this little fortification since the first of the year 1782 was Captain Joshua Huddy, a brave, gallant and daring soldier, who since the first hour of the war had devoted himself to the cause of liberty. On the 10th of December, 1781, the citizens of Monmouth county had petitioned the Legislature that he might be ordered to the

post at Toms River. He was soon after instructed, probably by the Council of Safety, to march his company to that place. He was the oldest of seven brothers of the New Jersey family of Huddy. He organized and commanded a company of artillery in the twelve months' levy of the State Regiment of Major Samuel Hayes during most of the years of the conflict for independence. Many and strangely romantic are the stories told in the journals of that day, and oftener recalled by tradition in this neighborhood, of the adventurous feats and bold enterprises performed by this fearless man. Let it suffice now to recall the fierce courage of the soldier who, instead of surrendering to the foe surrounding his homestead at Colt's Neck, about five miles from Freehold, chose rather, while feeble women loaded the muskets he had in his house, to fire them with deadly effect from different positions within the building, so as to appear with his single self to be a little band performing valiant service. And then, after a two hours' fight and his house fired, being overpowered and carried off, he unhesitatingly leaped into the waters of the bay, announcing his personality to his vexed captors: "I am Huddy! I am Huddy!" reached his well-known shore, and plunged into a thicket where no stranger could easily follow him. No expedition was too hazardous for Huddy not to volunteer, no labor too great for Huddy not to undertake if the holy cause he loved could thereby be benefited. This was the commandant of the block-house at Toms River in 1782. This was the man the story of whose tragic fate was discussed in the councils of three nations. In the closing days of the month of March rumors of the possibility of an attempt to capture this post reached brave Huddy and his company of two non-commissioned officers and twenty-three

men, gathered within the little fort, and they made immediate preparations for a stubborn defence.

On that Sunday morning in March, Sergeant Landon at daybreak called the roll of the New Jersey battery, and every man responded "Here." I will call the roll as he did on that eventful morning, from the muster on file in the military records of the State :

Captain JOSHUA HUDDY.

Sergeants DAVID LANDON and LUKE STOREY.

Matrosses :

DANIEL APPLGATE,	JOHN MORRIS,
WILLIAM CASE,	JOHN NIVERSON,
DAVID DODGE,	GEORGE PARKER,
JAMES EDSALL,	JOHN PARKER,
JOHN ELDRIDGE,	JOSEPH PARKER,
JOHN FARR,	JOHN PELLMORE,
JAMES KENNEDY,	MOSES ROBBINS,
JAMES KINSLEY,	THOMAS ROSTOINDER,
CORNELIUS McDONALD,	JACOB STILLWAGON,
JAMES MITCHELL,	SETH STOREY,
JOHN MITCHELL,	JOHN WAINWRIGHT,

JOHN WILBUR.

The reason for the erection of this fort on Toms River, with its barracks and its magazine, will more fully appear when we study carefully the commodities which the people of the States in the revolutionary period so greatly needed, and with which the commissary department of the army was so poorly supplied. The article of salt for curing meats was so important a necessity, that, in the early days of the war, to encourage the manufacturing of a good supply of

salt occupied the attention of State Legislatures, was discussed in the Board of War, was the subject of many resolves by the Councils of Safety. If we examine the minutes of these bodies, we will see the interest which they took in this matter.

On June 24, 1776, the Council of Safety of Pennsylvania made a contract with Thomas Savadge to erect works at Toms River, New Jersey, and appropriated £400 for that purpose. This establishment was called the "Pennsylvania Salt Works," and Mr. Savadge was made the manager. He located them on Coates' Point, at the junction of Barnegat Bay and Toms River, a half mile from the bay and some six hundred yards from the river. It was on land now owned by Gaven Brackenridge, formerly known as the Salter property. Mr. Coates, a Philadelphia merchant, was at one time interested in this establishment, and the point was named after him. The machinery at these works was of the rudest kind, as were also those erected some distance north of Coates' Point and another one on the south side of the mouth of Toms River, at Goodluck Point. The salt made at these places was taken by boats to the village, and stored until it could be transported in wagons across the State. A barrack was ordered to be erected by the authorities of Pennsylvania, and a magazine for the storage of ammunition, and the men employed in the works were directed to be supplied with arms. The Legislature of New Jersey was asked to relieve these men from active militia duty, which request was granted after some delay. On February 5, 1777, the Council of Safety of Pennsylvania ordered a company of infantry with two cannon to be sent to Toms River to protect their State property. In March following, in consequence of a letter of advice from Mr.

Savadge, the Navy Board of Pennsylvania sent the armed boat Delaware, Captain Richard Eyre, to cruise off the mouth of Toms River. Later, in July, 1777, Captain John Nice, of the Pennsylvania State Regiment of Foot, was ordered across this State, with his company, to protect the works. Just before Christmas of that year, Colonel John Morris, of the New Jersey Volunteers, a Tory regiment, came with a party, by order of General Howe, and made some demonstration as if to attack the fort and destroy the works.

In the meantime, the "Union Salt Works" had been erected at Squan, and another on Shark River, and Mr. Newlin had a salt factory on Barnegat Bay. The wary General Forman and his Monmouth Militia had now to keep a watchful eye on these important interests. In April, 1778, the works of Mr. Savadge were destroyed by a British party, under Captain Robertson, but were soon afterward rebuilt. He died in October, 1779, and in December of that year the works were sold to John Thompson, of Burlington county, New Jersey, for £15,000, Continental money. So the establishment came under Jersey control, and had to be protected thereafter by her own troops. And so it continued until the event which we now narrate.

Presiding over the Board of Associated Loyalists in the city of New York was the last Governor of New Jersey by royal appointment. William Franklin, since his sojourn within the British lines, had been most zealous in devising schemes to injure the patriot cause among the Jerseymen who now disowned his kingly-bestowed commission. About the middle of March, 1782, the Directors of this Board planned an expedition to capture the little blockhouse at Toms River and destroy the village. Orders were given to

Captain Evan Thomas and Lieutenant Owen Roberts, of the Bucks county (Pennsylvania) Volunteers, with about forty refugees who were loyal to the British, to embark on some whale-boats commanded by Lieutenant Blanchard and a strong armed crew of eighty seamen. On Wednesday morning, March 20, 1782, this party left the wharves of New York and sailed down the harbor. A full-armed brigantine, the *Arrogant*, Captain Stewart Ross commanding, escorted them down the bay. But the winds were contrary, and after beating about here and there it was not until March 23d that they fairly rounded Sandy Hook and were able to sail down the coast. At midnight the party passed through Cranberry Inlet (now closed), landed the armed loyalists, soldiers and seamen at Coates' Point, on the north side of the mouth of Toms River, and in the still, cool night marched up to the little village. A detachment of armed refugees under Richard Davenport, who lived in this section, and after whom Davenport's Branch was named, joined them on their route to the town.

It was just at early dawn, Sunday, March 24th, that the Tory party, guided by a refugee named William Dillon, came within sight of this little hamlet. Captain Huddy had been apprised of their coming the previous evening by Garret Irons, and during the night had sent out a scouting party of volunteers from the village by a road leading along the river towards the Point. In this way they missed the Tory force, which took a more northerly route, passing through the woods and lowland, and entering the village on the north side. They were promptly challenged by a vigilant picket, who delivered his fire on the advance line. The swivel guns in the little fort were instantly manned, brave Huddy and his dauntless force were at their post of

duty, and a musket was run out from every loophole in the block-house. A hasty call to surrender was made by the Tory refugees, a bitter answer of defiance was the quick reply, and a fierce charge was instantly made by Captain Thomas and his loyalists and Lieutenant Blanchard and his daring privateers. This desperate rush found the brave partisan soldiers all prepared, and in the fusilade which followed immediately Lieutenant Inslee of the Volunteers received his death wound. On the left another brave officer, Lieutenant Iredel, of Blanchard's party, shed his life blood on the ground. The patriot Huddy and his company used their bayonets well and the long pikes with which they had been provided most effectually, and Lieutenant Roberts of the Volunteers and five of his men fell from the parapet seriously wounded. A negro refugee was also wounded. Most stubbornly did they resist a force four times greater than their own, and most determinedly did they struggle to hold every point of their little fort. James Kinsley at the guns received a terrible wound in his head which soon caused his death. Moses Robbins was severely injured in the face by a musket ball. John Farr was instantly killed at the very first volley in the fight. James Kennedy also fell desperately wounded, and died before sunset. John Wainwright fought on until pierced with six bullets. David Dodge, Cornelius McDonald and Thomas Rostoinder were also killed fighting bravely beside their guns. So the patriot ranks began to thin out rapidly as the sailors appeared over the top of the palisades and leaped down in overwhelming numbers on the heroic band. Their supply of powder was also about exhausted. Captain Huddy had done, so Squire Randolph afterwards wrote, "all that a brave man could do to defend himself against so superior

a number." In the confusion which then ensued five men, it is reported, made good their escape, and Captain Huddy and sixteen men, four of them wounded, were taken prisoners and the block-house opened to the foe. It was said that some of these prisoners were butchered after capture, but the official records do not verify this statement. After the surrender, Major John Cook, of the Second Regiment, Monmouth Militia, who lived in the village, was brutally bayoneted, and died soon afterward. The firebrand then made a charred and blackened heap of this garrison post, and, in their malevolence, they added to the general conflagration the two mills, the salt works and storehouse, which represented the industry of the village, and all the dwelling-houses in the town but two—those of Aaron Buck and Mrs. Lieutenant Joshua Studson. The guns on which Captain Huddy had relied for his sure defence, were securely spiked and cast into the river. The large boats tied to the wharf, capable of holding about forty men, were rowed down the river to the bay, and carried off as prizes of conquest. So the affair ended in an almost total destruction of the town. Captain Huddy, the brave and gallant soldier, with his comrades, the magistrate of the town (Daniel Randolph, who had volunteered as a guard, and who was a man of prominence and influence among the Whigs), and old Jacob Fleming, were carried off that Sunday afternoon and placed on the *Arrogant*, for passage to New York. The afterpart of the day was raw and cheerless, and, while the expedition had designed to devastate the country around Shark River, and destroy the salt works at Squan, yet the condition of Lieutenant Roberts and his wounded men, thus far without medical attendanc., forbade the further progress of the expedition. On Monday forenoon the fleet

appeared at the dock in New York, and Captain Huddy and his followers were instantly confined in the Old Sugar House Prison.

Captain Joshua Huddy was now fairly a prisoner of war and entitled to all the rights granted to such men, in such situations, under all that is honorable in the code of war. But these rights were not respected by Franklin and his cruel Board of Loyalists. Far more bitter, more unrelenting in their severity than the British themselves, were those men who had fled from their homes to place themselves under the protecting care of British bayonets.

Franklin's Board ordered Captain Huddy from the Sugar House Prison to the Provost Jail, April 1st, and from thence, on the afternoon of April 8th, he was placed in irons on board a sloop, and sent down the next morning, with his two friends, Daniel Randolph and Jacob Fleming, to the armed ship *Brittania*, Captain Richard Morris commanding, which was stationed as the guard ship off Sandy Hook. Captain Richard Lippincott, of Shrewsbury township, Monmouth county, but now in the military service of the crown, was ordered down to the guard ship, with secret instructions given by the Board, and Huddy was placed in his custody. At ten o'clock on the morning of April 12th, 1782, Captain Huddy was taken from the ship by Captain Lippincott and sixteen loyalists, with six sailors from the vessel, and placed on the shore at Gravelly Point on the Navisink, about a mile beyond the old Highland Light House. Here a hasty built gallows of three rails, was erected on the water's edge, and a barrel and a rope constituted the entire implements of execution. With a strange impulse, it is said, these bloody men allowed him, with a rope around his neck, to dictate his will, and sign it on the barrel head, leaving his

good friend, Colonel Samuel Forman, his executor. This will is written on a half sheet of foolscap and bears this endorsement: "The will of Captain Joshua Huddy, made and executed the same day the Refugees murdered him, April 12th, 1782."

The original is preserved in the Library of the New Jersey Historical Society at Newark. It is in these words:

"In the Name of God, Amen.

"I, JOSHUA HUDDY, of Middletown, in the County of Monmouth, being of sound Mind and Memory, but expecting shortly to depart this life, do declare this my last will & Testament. First, I commit my Soul into the hands of Almighty God, hoping he may receive it in mercy, & next I commit my Body to the Earth, I do also appoint my trusty Friend SAMUEL FORMAN to be my lawful Executor and after all my just Debts are paid, I desire that he do divide the rest of my substance whether by Book Debts, Bonds, notes or any effects whatever belonging to me equally between my two children ELIZABETH & MARTHA HUDDY. In Witness whereof I have hereunto signed my name this twelfth day of April, in the year of our LORD one thousand seven hundred and eighty-two.

JOSHUA HUDDY."

This being finished, a placard was placed on his breast which read thus: "We, the refugees, having with grief long beheld the cruel murders of our brethren, and finding nothing but such measures daily carrying into execution; we, therefore, determine not to suffer without taking vengeance for the numerous cruelties, and thus begin, having made use of Captain Huddy as the first object to present to your view, and further determine to hang man for man, as long as a refugee is left existing. Up goes Huddy for

Philip White." Captain Huddy said as his last words: "I shall die innocent and in a good cause."

Captain Lippincott was profane in his execrations of his men as he noticed their reluctant conduct to pull the rope on so brave a man. He took hold of the rope himself, and very soon poor Huddy was suspended by the neck until he was dead. A prisoner of war captured in actual battle had been taken from confinement without competent military authority, and his execution had been made a frolic—a wanton, inhuman murder had been publicly committed which would forever disgrace the annals of a civilized people even though engaged in war. And thus was ended with an appearance of great calmness and firm manliness, the earthly career of one of the truest, one of the bravest of the soldiery who fought for the independence of America. Captain Lippincott reported to the Board of Loyalists that he had *exchanged* Captain Huddy for Philip White.

"George we owned for our king, as his true royal sons,
But why will he force us to manage his guns?
Who 'list in the army or cruise on the wave,
Let them do as they will—'tis their trade to be brave;
Guns, mortars and bullets we easily face,
But when they're in motion it alters the case;
To skirmish with Huddies is all our desire—
For though we can *murder*, we cannot stand fire."

This barbarous act exasperated the good people of Monmouth county and of the State beyond description. The body of the murdered soldier hung on the gallows until four o'clock in the afternoon, and was then carried to the residence of Captain James Green, in Freehold. On April 15th, the Rev. Dr. John Woodhull, pastor of the Presbyterian Church, preached his funeral sermon from the front

porch of the old Freehold hotel, and he was afterward buried with all the honors of war, it is generally supposed, in the graveyard around old Tennent Church, on Monmouth battle ground, in what is now an unknown grave.

Doctor Woodhull was one of the most zealous of patriots, and as soon as he could privately converse with his friend, General David Forman, he suggested, it is believed, a plan of reprisal in the future against such wantonly cruel conduct of the Tories. A public meeting was held soon after in the court house at Freehold, and a petition was prepared April 14, 1782, and signed by John Covenhoven, Thomas Seabrook, Peter Forman, Richard Cox, Joseph Stillwell, Barnes Smock, John Schenck, Samuel Forman, William Wilcox, Asher Holmes, Elisha Walton, Stephen Fleming, John Smock and Thomas Chadwick, entreating Congress and the Commander-in-Chief to take immediate measures to retaliate, that such murders might in the future be prevented. The affidavits of many citizens and the label which was fastened to the breast of poor Huddy were taken with the petition by General Forman and Colonel Holmes to Elizabeth Town, shown to the Commissioners of Prisoners, General Knox and Gouverneur Morris, and then carried to General Washington, at Newburgh on the Hudson.

On April 19th, General Washington called a council of war of twenty-five general and field officers at Major-General William Heath's headquarters, and submitted to them all the papers in the case, and requested of them separately, in writing, direct and laconic replies to the following queries:

- 1.—Upon the state of facts in the above case is retaliation justifiable and expedient?
- 2.—If justifiable, ought it to take place immediately, or

should a representation be made to Sir Henry Clinton and satisfaction demanded from him?

3.—In case of representation and demand, who should be the person or persons to be required?

4.—In case of refusal, and retaliation becoming necessary, of what description shall the officer be on whom it is to take place, and how shall he be designated for the purpose?

The members of the Council, without any conference with one another, wrote their answers to these questions and sent them sealed to Washington. The entire body agreed that retaliation was justifiable and expedient. A majority of them thought a demand should be made on Sir Henry Clinton for the person of Captain Lippincott, the murderer; and that, if this was refused, an officer of the same rank as Captain Huddy should be selected by lot from among the prisoners of war now in their hands. Twenty-two of the Council were willing to make a demand on the British Commander, and three of them wanted no delay, but thought the horrid crime merited instant satisfaction. The next day Gen. Washington transmitted copies of all the papers in the case to the Continental Congress. These documents were referred to a committee consisting of Elias Boudinot, of New Jersey; John Morin Scott, of New York, and Thomas Bee, of South Carolina, who reported thereon April 29th, when it was

“*Resolved*, That Congress having deliberately considered the said letter and the papers attending it, and being deeply impressed with the necessity of convincing the enemies of these United States, by the most decided conduct, that the repetition of their unprecedented and inhuman cruelties, so contrary to the laws of nations and of war, will no longer

be suffered with impunity, do unanimously approve of the firm and judicious conduct of the Commander-in-Chief in his application to the British General at New York, and do hereby assure him of their firmest support in his fixed purpose of exemplary retaliation."

General Washington, on the 21st day of April, sent an official communication to Sir Henry Clinton, enclosing copies of all the papers in the case, including the representation of the Monmouth county citizens, and requiring satisfaction in the person of the guilty actor in this tragedy. He used this language in the letter; "To save the innocent, I demand the guilty Captain Lippincott, therefore, or the officer who commanded at the execution of Captain Huddy, must be given up; or, if that officer was of inferior rank to him, so many of the perpetrators as will, according to the tariff of exchange, be of an equivalent. To do this will mark the justice of your excellency's character. In failure of it, I shall hold myself justifiable, in the eyes of God and man, for the measure to which I shall resort."

This letter of Washington called forth a reply from Clinton, April 25th, in which he says: "My personal feelings, therefore, require no such incitement to urge me to take every proper notice of the barbarous outrage against humanity, (which you have represented to me,) the moment that it came to my knowledge; and, accordingly, when I heard of Captain Huddy's death, (which was only four days before I received your letter,) I instantly ordered a strict enquiry to be made in all its circumstances, and shall bring the perpetrators of it to an immediate trial." Sir Henry Clinton, the day after writing this letter, by an order, forbid, in the future, the removal, by the Board of Loyalists, of any prisoner from the prison house to which

he had been consigned. A court-martial of Captain Lippincott was then ordered. In this trial, certain facts became very apparent. It was clearly proven that Captain Lippincott had acted in this brutal outrage on the distinct verbal orders of Governor Franklin and his Board, although it is said that Franklin tried in vain to get Lippincott to testify that this was not correct. The British soldiery thought this a base act, on Franklin's part, and their indignation at him was not concealed. Captain Lippincott, therefore, claimed that he was free from all responsibility in the matter, and that the British Commander must look to the Board, which he had himself lately organized, if he would punish any one for this act.

Another fact was also developed at this court-martial. It was, that Captain Huddy was a prisoner four days before the death of the Philip White, noted on the label on poor Huddy's breast as he hung by the seashore, and that this placard had been read to Governor Franklin, by Captain Lippincott, before leaving New York.

The Board of Loyalists were at last compelled to report what they knew of the brutal affair, and this they did with a deposition of Aaron White relative to Philip White's death. They tried in vain to apologize for their conduct by saying: "We thought it high time to convince the rebels we would no longer submit to such glaring acts of barbarism, and though we lament the necessity by which we have been driven to begin a retaliation of intolerable cruelties, that we could not have saved the life of Captain Tilton by any other means. We therefore pitched upon Joshua Huddy for a proper subject for retaliation, because he was not only well known to have been a very active and cruel persecutor of our friends, but had not been ashamed to

boast of his having been instrumental in hanging Stephen Edwards, a worthy loyalist, and the first of our brethren who fell a martyr to republican fury in Monmouth county. The recent instance of cruelty, added to the many daring acts of the same nature which have been perpetrated with impunity by a set of vindictive rebels, well known by the name of the Monmouth Retaliators, associated and headed by one General Forman, whose horrid acts of cruelty have gained him universally the name of Black David, fired our party with an indignation only to be felt by men who for a series of years have beheld many of their friends and neighbors butchered in cold blood, under the usurped form of law, and often without that ceremony, for no other crime than that of maintaining their allegiance to the government under which they were born, and which rebels audaciously call treason against the States." The document goes on to charge the "rebels" with the capture and death of James Pew, Stephen West, Stephen Emmons, Ezekiel Williams, John Wood, Thomas Emmons, Jacob Fagan, John Farnham, Jonathan Burge, Joseph Wood, Joseph Mullener, Richard Bell, John Thompson and Philip White.

It will be noticed that this statement does not charge Huddy with the death of Philip White. It was ascertained that the real truth of this case was that White was a New York refugee engaged in a maraud in New Jersey, was arrested, placed in a wagon to be carried to Monmouth jail, and, in attempting to escape from custody, was shot by his guard. Stephen Edwards had been sent from New York to spy out the patriot force in Monmouth county, had been found in bed with a female night-cap on, had been arrested as a spy, had been tried as such, convicted and hung. Jacob Fagan was one of the leaders of the band of robbers, in-

cendiaries and murderers who infested the pine regions of New Jersey. For years their sole occupation was to steal, to burn, and to murder at night the unprotected household. These men were outlaws and cared little for friend or foe, for Tory or Patriot. Yet in this document Jacob Fagan and other pine-robbers are catalogued as loyalists. The career of these men show them to be the most abandoned criminals, and when they met their just deserts the Tory Board held them up as martyrs to the royal cause.

How very strange all this severe accusation of the conduct of Monmouth county patriots seems to us as we read the calm, distinct and, we cannot help but believe, truthful words of Governor William Livingston, the great War Governor of New Jersey; in a letter to General Washington, dated May 14, 1782, predicated, no doubt, on a perusal in Rivington's Gazette of the severe arraignment of the patriots by the Tory Board, he says: "I really do not recollect that the militia of this State, or any other of its citizens, have ever committed against a prisoner of war any act of cruelty, or treated any such prisoner, in any instance, contrary to the laws of arms."

The result of the court-martial of Captain Lippincott was that the odium of guilt was thus thrown on Franklin's Board, while Franklin himself had hastily sailed for England. This is the finding of the British court-martial: "The court having considered the evidence for and against the prisoner, Captain Richard Lippincott, together with what he had to offer in his defence; and it appearing that (although Joshua Huddy was executed without proper authority) what the prisoner did in the matter was not the effect of malice or ill-will, but proceeded from a conviction that it was his duty to obey the orders of the Board of

Directors of Associated Loyalists, and his not doubting their having full authority to give such order; the court are of the opinion that he, the prisoner, Captain Richard Lippincott, is *not guilty* of the murder laid to his charge, and do therefore acquit him " Major General James Patterson was President of the court-martial, and Brigadier General Cortlandt Skinner, the last Attorney General of New Jersey under the Crown, then in command of the New Jersey Volunteers (Loyalists), was a member.

General Washington was immediately informed of the finding of the court. On the 5th day of May, Sir Henry Clinton was relieved of command, and Sir Guy Carleton, having arrived at New York, took command of the British army in America. The regret which Clinton had expressed was reiterated by Carleton in most distinct language as to him abhorrent of all the rights of war. He said that, notwithstanding the acquittal of Lippincott, he reprobated the act, and gave assurances of prosecuting a further inquiry. He followed this by disbanding the Board of Loyalists as the surest way of preventing such inhuman acts in the future. He wrote to General Washington that he intended to preserve "the name of Englishmen from reproach, and to pursue every measure that might tend to prevent these criminal excesses in individuals," and he said he "would condemn the many unauthorized acts of violence which had been committed."

Soon after the acquittal of Captain Lippincott, Captain Adam Hyler, of New Brunswick, a great personal friend of Captain Huddy, and like him a bold and daring patriot in nautical adventures, attempted to carry off Lippincott from his very residence in New York. One evening with a party thoroughly disguised, he rowed out from the Kills across

the bay in a small boat, landed at the White Hall wharf at nine o'clock, but fortunately for Lippincott Captain Hyler did not find him at home but "gone to a cock-pit," otherwise he would within the hour have been offered as a sweet revenge to the manes of poor Huddy.

The next act of General Washington in this serious drama was the ordering, May 3d, of General Moses Hazen, at Lancaster, Pennsylvania, to designate by lot and forward to the army for execution in satisfaction of the murder of Huddy "a British captain, who is an unconditional prisoner, if such a one is in his possession; if not, a lieutenant, under the same circumstances from among the prisoners at any of the posts, either in Pennsylvania or Maryland." In accordance with this order a number who had been confined at York were ordered to Lancaster, Pennsylvania, and on May 27th the following officers drew lots:

Captain Lawford Mills, 17th Regiment of Foot.

Captain Thomas Saumarez, 23d Regiment of Foot, or Royal Welsh Fusileers.

Captain James Ingram, 33d Regiment of Foot.

Captain Samuel Graham, 76th Regiment of Foot.

Captain David Barclay, 76th Regiment of Foot.

Captain Alexander Arbuthnot, 80th Regiment of Foot.

Captain William Hawthorn, 80th Regiment of Foot.

Captain Bulstrode Whitlocke, 26th Regiment of Foot, then attached to the Queen's Rangers.

Lieutenant George Eld, Coldstream Guards.

Lieutenant John Perryn, 12th Regiment of Foot.

Lieutenant and Captain Charles Asgill, 1st Regiment of Foot.

Lieutenant and Captain Hon. George Ludlow, 1st Regiment of Foot.

Lieutenant R. Fulke Greville, 1st Regiment of Foot.

In General Graham's memoirs, published in the United Service Journal in 1834, this drawing is most minutely described. Thirteen pieces of paper were placed in a hat, the word "unfortunate" written on one of these strips, and when the selection took place the fatal word was drawn by Lieutenant and Captain Charles Asgill, of the First Regiment of Foot, the only son of a wealthy English baronet, Sir Charles Asgill. He was only in his twentieth year, and was a witty and a brave officer. "I knew it would be so," said Asgill. "I never won so much as a bet of back-gammon in my life." That night Lieutenant Greville, one of the lucky officers, sat up with Asgill all night, fearing, it is said, that he would escape and so leave him to a new allotment. Captain Asgill was sent to Philadelphia under guard, and thence to Chatham, in Morris county, New Jersey, where a part of the American Army was posted. Major James Gordon, of the 80th Regiment of Foot of the British Army, a particular friend of his, was allowed to accompany him and they were both placed in confinement at Chatham. Captain Asgill was not an unconditional prisoner under the terms used by Washington in his order to General Hazen. It seems strange that this mistake should have occurred, for Asgill was included in the capitulation of Yorktown, and was a prisoner then awaiting exchange. This fact caused General Washington much distress, as his letters to such trusty officers as Major-General Lincoln clearly show: "Congress by their resolve have unanimously approved of my determination to retaliate; the army have advised it and the country look for it. But how far it is justifiable upon an officer under the faith of a capitulation, if none other can be had, is the question."

When Captain Asgill was brought to Chatham, New

Jersey, he was accompanied, as has been said, by Major Gordon; and Captain Ludlow, of his own Regiment, his fellow in other days at Westminster school, was allowed by General Washington to go to New York to see Sir Guy Carleton. Colonel Elias Dayton, of the Second Regiment, New Jersey Continental Line, in whose charge Asgill was placed June 11th, received a letter of instructions from Washington a week previous, in which he was directed to impress Captain Ludlow, before he passed him outside of the American lines, with the facts, that "my resolutions have been grounded on so mature deliberation, that they must remain unalterably fixed. That while duty calls me to make this decisive determination, humanity dictates a tear for the unfortunate offering, and inclines me to say that I most devoutly wish his life may be spared. This happy event may be attained, but it must be effected by the British Commander-in-chief. He knows the alternative which will accomplish it."

The order of Washington, the selection of Captain Asgill to be hung for the murder of Huddy, and his being brought from prison, at Lancaster, to the army in New Jersey, was communicated to Carleton, to his Government and to the people of Great Britain. It excited the most wide-spread sympathy abroad as well as in this country. The royalists themselves, in New York, were frightened and worried at the charge of murder proven on them and the train of evils which they had drawn on themselves.

"Old Huddy we hung on the Navisink shore,
But, sirs, had we hung up a thousand men more,
They had all been avenged in the torments we bore
When Asgill to Jersey you foolishly fetched,
And each of us feared his neck would be stretched,
When you were be-rebeled and we were bewretched."

The father of Captain Asgill was a great invalid, and the impending fate of his son had to be kept from him lest it seriously affect his feeble health. His sister was gravely excited, being at times bereft of her reason when she thought of the dread calamity which menaced her loved brother. The mother, however, Lady Theresa Asgill, immediately instituted efforts to cause the release of her son. She called in person upon her King, and he ordered the British General—so we find in the Memoirs of Baron de Grimm—"that the author of the crime which dishonored the English nation should be given up for punishment." The influence, however, of American loyalists resident in Great Britain caused this order not to be sent across the water, or if sent secretly it was not complied with. Lady Asgill also wrote to the Count de Vergennes, Prime Minister of Louis XVI, in a letter full of the most pathetic language of imploration, and entreated him to communicate with General Washington. This he did by letter July 29th, enclosing Lady Asgill's letter to him and using these words: "Your Excellency will not read this letter without being extremely affected. It had that effect upon the King and upon the Queen, to whom I communicated it. The goodness of their Majestys' hearts induced them to desire that the inquietudes of an unfortunate mother may be calmed, and her tenderness reassured. There is one consideration, sir, which, though it is not decisive, may have an influence on your resolution. Captain Asgill is, doubtless, your prisoner, but he is among those whom the arms of the King contributed to put into your hands at Yorktown." Various circumstances, before this letter was received, caused General Washington to hesitate and then delay the execution of the chosen victim. The States-

General of Holland sent an appeal to the Continental Congress asking for the prompt pardon of the young officer. The interest in his case was very great in Europe during all the summer months; and on the arrival of every vessel from America in any foreign port an eager request was made for information as to the fate of Asgill.

Captain Asgill himself wrote to Sir Guy Carleton begging his interposition to avert his awful destiny. But nothing seemed to be done in the matter, much to the distress of Washington, as is clearly seen in his letters to Congress and to John Dickinson, President of Delaware. Benjamin Franklin, the philosopher, statesman and diplomatist, expressed himself on this subject in this language to Richard Oswald, July 28th: "It cannot be supposed that General Washington has the least desire of taking the life of the gentleman. If the English refuse to deliver up or to punish this murderer, it is saying that they choose to preserve him rather than Captain Asgill."

The whole case is best stated in the clear language of the patriotic Tom Paine in one of his letters to Clinton, signed "Common Sense:" "The villain and the victim are here separated characters. You hold the one and we hold the other. You disown or affect to disown and reprobate the conduct of Lippincott; yet you give him sanctuary, and by so doing you as effectually become the executioner of Asgill as if you put the rope round his neck and dismissed him from the world. Whatever your feelings on the extraordinary occasion may be are best known to yourself. Within the grave of your own mind lies buried the fate of Asgill. He becomes the corpse of your will or the survivor of your justice. Deliver up the one and you save the other; withhold the one and the other dies by your choice. On our

part the case is exceedingly plain; an officer has been taken from his confinement and murdered, and the murderer is within your lines."

Several letters passed between the British Commander and Washington during the month of August. These were sent by the American Chief to Congress, and in one of his letters of transmittal he confesses that the action of Sir Guy Carleton in giving strongest assurances that further inquiries shall be made, and his reprobation of the act of murder in unequivocal terms "has changed the ground I was proceeding upon, and placed the matter upon an extremely delicate footing."

So the summer passed along to poor Asgill, not knowing when his fate would be settled and whether a reprieve or the hangman's knot was the next sight which would appear to him. In the latter part of August and September, he was allowed to go about on parole around the village of Chatham and at Morristown, and he was treated by the American officers, as the orders read, "with every tender attention and politeness (consistent with his present situation) which his rank, fortune and connections, together with his unfortunate state, demand."

A severe calumny on the conduct of Washington was reported at the time in British journals and letters, and seems to have had some color from remarks made in very bad taste by Asgill himself. It was stated, and it is now found in Tory history, that a gallows was erected thirty feet high in front of his prison window with the inscription thereon, "Erected for the Execution of Captain Asgill." This was indignantly denied in after years by General Washington, and he asked how a belief in such an act could be reconciled with the "continual indulgences and

procrastinations he had experienced." He also added "that I could not have given countenance to the insults, which he says were offered to his person, especially the grovelling one of erecting a giblet before his prison window, will, I expect, readily be believed, when I explicitly declare that I never heard of a single attempt to offer an insult, and that I had every reason to be convinced that he was treated by the officers around him with all the tenderness and every civility in their power."

It was not until October 25th that Count de Vergennes' letter of July 29th, before referred to, reached Washington, and the letter of Lady Asgill sensibly affected him. The same day he sent them to the President of Congress, at Philadelphia, and that body promptly, November 7th,

"*Resolved*, That the Commander-in-Chief be and he is hereby directed to set Captain Asgill at liberty."

On November 13th, this act of Congress was sent to Captain Asgill, with a letter of General Washington, the tone of which is so kind and yet so dignified that it certainly merited a polite reply, which does not appear ever to have been written.

A week after his release, General Washington pressed again, upon the attention of Sir Guy Carleton the fact that he had promised "to make further inquisition and to collect evidence for the prosecution of such other persons as may appear to have been criminal in this transaction." Very little progress was afterward made in this investigation, and the war soon after being over, the further discussion of the subject dropped.

On the 21st of November, Washington wrote to the Count de Vergennes remarking, among other things, "I think I may venture to assure your Excellency that your

generous interposition had no small degree of weight in procuring that decision in favor of Captain Asgill, which he had no right to expect from the very unsatisfactory measures, which had been taken by the British Commander-in Chief, to atone for a crime of the blackest dye, not to be justified by the practices of war, and unknown at this day amongst civilized nations."

Captain Asgill returned to England in the ship *Swallow*, landing at Falmouth, December 15th, 1782. In October, 1783, he went to Paris, with his mother and sister, to thank King Louis XVI. and his beautiful, his sympathetic, and, in after years, unfortunate Queen, Marie Antoinette, for their intercession in his behalf.

During all the year 1782, the *Gazette de France* and the *Mercure de France* gave every detail of this affair, for the whole country seemed interested in his fate. Portraits of him were engraved and everywhere exhibited. Several plays were acted, notably one by M. de Sauvigny, called "*Abdir*," in which Asgill was the principal character. Captain Asgill, on the death of his father, succeeded to the title of baronet, and was also, in later years, a General Officer in the British Army.

A poet of the Revolution, Philip Frenau, whose patriotic poetry we have quoted before, whose remains lie not far from Captain Huddy's in the old Freehold graveyard, wrote a humorous poem entitled "*Rivington's Reflections*," and he put into the mouth of Mr. Rivington, the Tory printer of New York city, these words :

"I'll petition the rebels (if York is forsaken)
For a place in their Zion, which ne'er shall be shaken ;
I'm sure they'll be clever ; it seems their whole study ;
They hung not young Asgill for old Captain Huddy,
And it must be a truth that admits no denying,
If they spare us for *murder*, they'll spare us for *lying*."



And in this way this little village, with its useful mills, its store-houses and its salt-works, became a rallying post to be defended against those who loved kingly rule rather than the cause of liberty, against those robbers and murderers in the Tory bands which infested the shore land. In these very streets, stout hearts and brave souls have battled for freedom, and on this very soil the warm life-blood of the patriot has been shed in the last battle in New Jersey during the war for independence. When the block-house was captured by overwhelming numbers, and the town was given to the torch, the end was not then. In the train of misery thus begun a bloody murder of a brave patriot followed, a gallant young officer as a victim of retaliation for nearly eight months was doomed to death for a crime not his own, and his pitiful condition commanded the sympathy of the world.

LIBRARY OF CONGRESS



0 011 800 161 8

permalife•
pH 8.5